

**BOARD OF APPEALS
for
MONTGOMERY COUNTY**

**Stella B. Werner Council Office Building
100 Maryland Avenue
Rockville, Maryland 20850
(240) 777-6600**

WORKSESSION MINUTES

Second Floor Davidson Memorial Hearing Room

Wednesday, April 6, 2005, 9:30 a.m.

ACTION ITEMS:

1. **Minutes**, March 23, 2005 Worksession.

Action: Approved, (LLM/WMH, 4-0).

2. **A-6049, Appeal of Barry and Laurie Stien** (Department of Permitting Services (DPS) – Notice of Violation, dated December 6, 2004). Letter to the Board from Iris G. Feuerstein requesting a subpoena.

Action: (1) Re-opened the record to include the letter from Ms. Feuerstein; (2) denied request for subpoena for Mr. Calloway; (3) granted subpoena for calendars, appointment books, addresses of the students, relevant UPS records, records limited to a three year time period, (LLM/AMC, 4-0).

3. **CBA-1174-C, Petition of Holton-Arms School** (private educational institution). Letter from Megan M. Wallace, Esquire, notifying the Board that the School will be hosting a reception on Thursday, 12, 2005.

Action: Re-opened the record to include the letter from Ms. Wallace, (WMH/AMC, 4-0).

4. **CBA-1342 [CBA-1342-A, CBA-2621, CBA-2919], Petition of CPL Fox Chase LLC** (nursing home). Memorandum to the Board from Stanley N. Garber, Investigator, DPS, withdrawing his request for a Show Cause Hearing.

Action: Schedule Show Cause Hearing, (WMH/AMC, 4-0).

5. **CBA-2197-B, Petition of The Heights School** (private educational institution). Letter to the Board from Alvaro deVicente, Headmaster, submitting the annual report.

Action: Re-opened the record to include the letter from Mr. deVicente, (WMH/LLM, 4-0).

6. **S-1278, Petition of Johanna R. Wychulis** (accessory apartment). Letter to the Board from Manuri N. Perera and Dayan C. G. Kondagamage requesting a transfer of the special exception.

Action: Granted transfer of the special exception, (LLM/WMH, 4-0).

7. **S-1424, Petition of Korean Community Senior Housing Corporation of Maryland, Inc.** (housing for the elderly). Letter to the Board from Thomas J. Carroll, Esquire, requesting an administrative modification.

Action: Item deferred until Board action on related special exception Case No. S-2639, consensus.

8. **S-1437, Petition of John D. Hyman** (wholesale nursery and landscape contractor). Letter to the Board from Timothy Dugan, Esquire, requesting an extension of time to file the special exception modification.

Action: Denied request for an extension of time, (LLM/WMH, 4-0).

9. **S-1861, Petition of Michael and Mari-Ellen Uzzo** (landscape contractor). Memorandum to the Board from Stanley N. Garber, Investigator, DPS, requesting a Show Cause Hearing.

Action: Schedule Show Cause Hearing, (AMC/WMH, 4-0). Hearing scheduled for 5/25/05 @10:30 a.m.

10. **S-2367, Petition of Robert D. Egan** (outdoor catering facility). Memorandum to the Board from Stanley N. Garber, Investigator, DPS, requesting a Show Cause Hearing.

Action: Schedule Show Cause Hearing, (LLM/WMH, 4-0).

11. **S-2460, Petition of Hampshire Village Associates** (assisted living facility). Letter to the Board from Stephen J. Orens, Esquire, requesting an administrative modification. (Large exhibits: site and landscape plans).

Action: Granted administrative modification, (LLM/AMC, 4-0).

12. **S-2487, Petition of Orchard Development Corporation** (housing and related facilities for the elderly or handicapped). Letter to the Board from Scott Armiger, Vice President, requesting an administrative modification. (Large exhibits: landscape and lighting plan and as-built site plan).

Action: Item deferred until the Board's next Worksession, consensus.

DECISION ITEM:

13. **S-2626, Petition of Community Services for Autistic Adults and Children (CSAAC)** (private educational institution). Hearing Examiner's Report and Recommendation.

Action: (1) Record remanded back to the Hearing Examiner for (1) the findings of the M-NCPPC Technical Staff report; (2) determination of the neighborhood boundaries, consensus.

PENDING ITEMS:

14. **CBA-123 [S-462, S-1353], Petition of Sondra J. Littlejohn** (home occupation). Inspection report to the Board from Stanley N. Garber, Investigator, Department of Permitting Services (DPS). Re-opened the record to include Mr. Garber's memorandum. [W/S 10-20-04].

15. **CBA-3057, Petition Chevron USA** (automobile filling station). Letter to the Board from John Hutchinson requesting a transfer of the special exception. Deferred request until the Show Cause Hearing. [W/S 9-29-04].

16. **S-390, Petition of Twin Farms Club, Inc.** (community swimming pool). Letter to the Board from Teresa A. McKenna, President, requesting an administrative modification. (Large exhibit: site and grading plan). (1) Item deferred for receipt of a site plan with the existing conditions; (2) item referred to M-NCPPC Technical Staff of review of administrative modification request. W/S 2-18-04].

17. **S-569, [CBA-3051, S-95], Petition of C. O. and M. E. Bland** (horticultural nursery). Letter of complaint to the Board from David C. Gardner, Esquire, regarding the special exception use. Board requests DPS inspection of the special exception property. [W/S 5-22-02].

18. **S-727, Petition of Robert M. Mueller, D.V.M.** (non-resident professional office). Inspection report from Stanley N. Garber, Investigator, DPS. (1) Re-opened the record to include Mr. Garber's inspection report; (2) special exception holder has 40 days to comply with special exception conditions; (3) item will return to the Board's to Worksession agenda after compliance period (1/5/05). [W/S 11-10-04].

19. **S-1437, Petition of John D. Hyman** (wholesale nursery and landscape contractor). Letter to the Board from Timothy Dugan, Esquire. Granted extension to resolve Notice of Violation until 4/1/05. [W/S 1/5/05].

20. **S-1747, Petition of Thompson R. and Nancy S. Buchanan** (accessory apartment). Memorandum to the Board from John Whitt, Housing Code Field Supervisor, DHCA, notifying the Board that the special exception has been abandoned and requesting that it be revoked. Also included is a letter of confirmation from the petitioner. Item deferred for future Worksession. [W/S 5/5/04].

21. **S-1903, Petition of Exxon Company, U.S.A.** (automobile filling station). Letter to the Board from Jody S. Kline, Esquire, requesting an administrative modification. Item deferred for an approved landscape and lighting plan. [W/S 11/12/03].

22. **S-2145, Petition of Southwestern Bell Mobile Systems, Inc.** (public utility buildings, public utility structures and telecommunications facilities). Letter to the Board from Brian Hurley, Regional Real Estate Manager, requesting a transfer of the special exception. Item deferred for future Worksession. [W/S 6/9/04].

23. **S-2524, Petition of Two Goshen Oaks Center, LLC and Seven-Eleven, Inc.** (automobile filling station). Memorandum to the Board from Stanley N. Garber, Investigator, DPS, requesting a Show Cause Hearing. Deferred for DPS review of the record. [W/S 9-22-04].

PENDING ITEMS continued:

24. **S-2580, Petition of Margaret Walker-Bruce** (accessory apartment). Letter to the Board from the petitioner modifying the floor plan of the accessory apartment. Referred new plans for DHCA review. [W/S 10-20-04].

Board Members

Allison Ishihara Fultz, Chair
Donna L. Barron, Vice Chair - ABSENT
Louise L. Mayer
Angelo M. Caputo
Wendell M. Holloway

Staff

Edward Lattner, Associate County Attorney
Katherine Freeman, Executive Secretary to the Board
Hermene Jones, Administrative Specialist